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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Sri Lanka

1. At its 21st meeting, on 1 July 2009, the Working Group on Children and Armed Conflict examined the report of the Secretary-General on children and armed conflict in Sri Lanka (S/2009/325). The Permanent Representative of Sri Lanka to the United Nations participated in the meeting. The Working Group welcomed the report and the analysis and recommendations contained therein met with a favourable response.

2. In the light of the evolving situation on the ground in Sri Lanka and the military operations that resulted in the defeat of the Liberation Tigers of Tamil Eelam (LTTE), thus ending the armed conflict, the Special Representative of the Secretary-General for Children and Armed Conflict requested the Government of Sri Lanka to receive her Special Envoy, Major General (ret.) Patrick Cammaert, in order to assess the impact of the armed conflict in Sri Lanka on children and to review remedial measures undertaken. General Cammaert undertook this mission to Sri Lanka from 5 to 11 December 2009.

3. The Working Group examined the mission report at its 24th meeting, on 4 February 2010. The Special Envoy introduced the report and shared with the Working Group some of his views regarding the situation of children in the aftermath of the conflict. The Permanent Representative of Sri Lanka to the United Nations delivered a statement and participated in the subsequent discussions.

4. The main elements of the exchange of views regarding the Special Envoy's report among the members of the Working Group were as follows:

(a) They welcomed the submission of the report of the Special Envoy, in accordance with Security Council resolutions 1612 (2005) and 1882 (2009);

(b) They also welcomed the end of the armed conflict in Sri Lanka and the cooperation of the Government of Sri Lanka with the Working Group and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, as well as its cooperation during the assessment visit of the Special Envoy and its willingness to give due consideration to his recommendations;

(c) They recognized the Government's policy, in the context of rehabilitation and reintegration of former child soldiers, to consider all children formerly associated with armed groups as victims and not to prosecute them based on their

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association with such groups. They encouraged the Government to adopt the necessary measures to ensure that the authorities at all levels treat those children according to the aforementioned policy;

(d) They welcomed the efforts of the Government of Sri Lanka to protect all children affected by armed conflict, in particular children in camps for internally displaced persons, as well as the rehabilitation of children formerly associated with LTTE and the Tamil Makkal Viduthalai Pulikal (TMVP), and stressed the importance of community-based rehabilitation;

(e) They stressed the importance of addressing impunity for any possible violation or abuse committed against children, and of pursuing and bringing to justice perpetrators of violations and abuses committed against children, as part of wider national reconciliation;

(f) They also stressed the need to follow up on the progress made in the protection, rehabilitation and reintegration of children in Sri Lanka;

(g) They welcomed the Government of Sri Lanka's "zero tolerance" policy regarding the recruitment and use of child soldiers and stressed the importance of its full implementation.

5. The Permanent Representative of Sri Lanka highlighted that the protection of children remained one of the main priorities of the Government of Sri Lanka. He referred to the rehabilitation of children formerly associated with armed groups and their treatment as victims rather than perpetrators of any crime, as well as the priority given to their timely reintegration into their communities and families. He stressed that the Government would continue to focus attention on the special needs of children living in camps for internally displaced persons.

6. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005) and 1882 (2009), the Working Group agreed to the following direct action.

Public statement by the Chairman of the Working Group

7. The Working Group agreed to address a message, through public statements by its Chairman on behalf of the Working Group, to all stakeholders who had responsibility to cease and continue to refrain from violations and abuses committed against children in Sri Lanka:

(a) *Calling upon* them to continue to comply with Security Council resolutions 1612 (2005) and 1882 (2009);

(b) *Urging* them to cooperate to establish the whereabouts of all the children who had been recruited, including those who were now over 18 years of age, and whose fate remained unknown.

To the Leadership of the Tamil Makkal Viduthalai Pulikal

(a) *Welcoming* the progress of TMVP in meeting its commitments to implement the action plan signed by it with the Government of Sri Lanka and the United Nations in December 2008;

(b) *Urging* it to immediately track and release any children possibly remaining within¶t;

(c) *Also urging* that it refrain from any new recruitments or re-recruitment of children.

Recommendation to the Security Council

Letter by the Chairman of the Security Council Working Group on Children and Armed Conflict transmitted by the President of the Security Council to the Government of Sri Lanka

(a) *Welcoming*

(i) The Government of Sri Lanka's "zero tolerance" policy regarding the recruitment and use of children;

(ii) The measures adopted for the rehabilitation of children formerly associated with LTTE and TMVP and their reintegration into their communities and families;

(iii) The assurance given to the Special Envoy of the Special Representative of the Secretary-General and the Working Group on Children and Armed Conflict, by the Government of Sri Lanka, that all children formerly associated with armed groups would be considered as victims and not be prosecuted based on their association with such groups;

(b) *Expressing serious concern* regarding

(i) The impact on children of the military operations that took place during the final phase of the conflict, in particular their recruitment and use by LTTE, as well as other violations and abuses committed against children;

(ii) Reports of continued use of heavy calibre weapons in ways contrary to applicable international law, in areas with high concentrations of civilians, in particular children;

(iii) The particular vulnerability of children in the aftermath of the armed conflict due to the fact that at the end of hostilities in May 2009, a high number of the persons living in camps for internally displaced persons were children, with a significant number of them below the age of 5 years;

(c) *Encouraging* it

(i) To work in collaboration with the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Children's Fund (UNICEF) and other partners, such as the International Organization for Migration, to develop special guidelines, programmes and procedures for persons between the age of 18 and 21 years who may have been recruited and used as children and need assistance, gauged by the length of time and abuses suffered as child soldiers;

(ii) To put in place a coordinated and comprehensive child-tracing network in former conflict areas of the country, to launch an investigation to establish the whereabouts of all the children who had been recruited, including those who are now over 18 years of age, and whose fate remains unknown, and to continue to facilitate full access to the United Nations and its specialized

partners to tracing information and full freedom of movement in the north of the country;

(iii) To make efforts to continue to ensure that all children formerly associated with armed groups and other children identified as highly vulnerable are prioritized in longer-term community-based reintegration programmes, in line with the Government's endorsement of the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, and that a viable protection and prevention system is in place to reduce the vulnerability of all children to any possible new recruitment or re-recruitment;

(iv) To issue personal documents such as birth certificates and regular identity cards to children who had been recruited, including those who are now over 18 years of age, in order to facilitate their access to services and community reintegration;

(d) *Urging* it

(i) To continue to implement its "zero tolerance" policy, in particular with regard to those who recruit and use or re-recruit children, through the prosecution of individuals in accordance with Sri Lankan domestic law as well as applicable international law;

(ii) To ensure, through the adoption and implementation of legally binding domestic instruments, that no child is prosecuted based on his or her former association with any armed groups;

(iii) To produce, within the national reconciliation process, a follow-up report on the findings of the high-level inter-ministerial committee established to conduct a thorough and impartial investigation into allegations concerning certain elements of the Sri Lanka Security Force's possible involvement in aiding and abetting child recruitment on behalf of the Karuna faction;

(iv) To prioritize children in any future national reconciliation process and ensure that children's needs are taken into consideration during such process;

(v) To investigate, as an essential part of national reconciliation, and noting that the Government of Sri Lanka has announced its intention to establish a domestic mechanism, allegations of violations and abuses against children perpetrated, in contravention of applicable international law and domestic law, by all parties during the armed conflict, and to ensure that those responsible for these violations are held accountable;

(vi) To further consider alternatives to placing children in institutionalized rehabilitation camps, in the light of a more individual and needs-oriented, community-based approach;

(vii) To take preventive measures to protect children, in particular girls in camps for internally displaced persons, from any form of exploitation or abuse, including those that are gender-based, and from sexual violence, if any, as well as to devise safeguards, including, inter alia, protection focal points and support services, in particular in the Pampamadu women's surrendee centre;

(viii) To consider re-establishing, in collaboration with the United Nations and relevant civil society organizations, child protection services for children

affected by the conflict, including psychosocial support, community-based support and social infrastructure;

(ix) To ensure that child rehabilitation centres are run by civilian staff and that they are guarded by police officers;

(x) To guarantee regular visits by child protection actors to all facilities, to screen further for the presence of children in a transparent manner, as well as to grant access on a regular basis by statutory bodies, such as probation officers, responsible for children formerly associated with armed groups;

(xi) To expedite the vacating and return of all schools currently being used to host adult surrendees or as Sri Lanka Army barracks to their educational function.

Letter by the Chairman of the Security Council Working Group on Children and Armed Conflict transmitted by the President of the Security Council to the Secretary-General

(a) *Commending* the efforts undertaken by the Special Representative of the Secretary-General for Children and Armed Conflict, the Office of the United Nations High Commissioner for Refugees and UNICEF, in coordination with the Government of Sri Lanka, to contribute actively to the protection of children;

(b) *Inviting* the Secretary-General to call upon the international community to continue to allocate adequate funding for capacity-building in Sri Lanka for the protection of children;

(c) *Also inviting* him to request the United Nations Development Programme, UNICEF and other relevant United Nations agencies, within their respective mandates and in close cooperation with the Government of Sri Lanka, to address socio-economic issues that will also contribute to addressing the welfare of children, including the strengthening of relevant national institutions, and to provide further assistance in the implementation of rehabilitation and reintegration programmes for children;

(d) *Requesting* him to prepare a follow-up report on the implementation of the conclusions of the Working Group, to be issued in 2011, bearing in mind the end of the armed conflict in Sri Lanka.

Letter by the Chairman of the Security Council Working Group on Children and Armed Conflict to donors

Inviting them to

(a) Provide support for the development and strengthening, in close cooperation with the Government of Sri Lanka, and upon its request, together with local communities and civil society organizations, as appropriate, of capacities to ensure access to child-appropriate rehabilitation and reintegration programmes for all released children;

(b) Assist the efforts of the Government of Sri Lanka to strengthen and expand programmes that protect and assist children, particularly former child soldiers, internally displaced persons and unaccompanied and separated children,

who may face higher risks of exploitation, including recruitment, and ensure their successful rehabilitation;

(c) Support the Government of Sri Lanka in its efforts to secure the funding for staff to survey and clear landmines and unexploded ordnance and for victim assistance.